

## **Item SP06-01 Response Form**

**Title:** Rule Authorizing Courts to Establish Fees for Certain Services and Products  
(Cal. Rules of Court, rule 6.712)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- ☐ **Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Friday, February 10, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council  
or the Rules and Projects Committee  
All comments will become part of the public record of the council's action.*

Title	<b>Rule Authorizing Courts to Establish Fees for Certain Services and Products</b> (Cal. Rules of Court, rule 6.712)
Summary	The Uniform Civil Fees and Standard Fee Schedule Act of 2005, which became effective January 1, 2006, authorized superior courts to charge fees for services and products not otherwise authorized by statute, if the Judicial Council approved the fees. To implement this legislation, the Judicial Council has adopted new rule 6.712, which permits courts to charge fees for certain products and services such as forms, form packages, CDs, and audiotapes.
Source	Christine M. Hansen Director, Finance Division Administrative Office of the Courts
Staff	Patrick O'Donnell, Senior Attorney, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>The Uniform Civil Fees and Standard Fee Schedule Act of 2005 (the "UCF Act"), effective January 1, 2006, added new section 70631 to the Government Code. That section provides:</p> <p style="padding-left: 40px;">In the absence of a statute or a rule authorizing or prohibiting a fee by the superior court for a particular service or product, the court may charge a reasonable fee not to exceed the costs of providing the service or product, if the Judicial Council approves the fee. The fee shall be distributed to the court in which it was collected.</p> <p>To implement Government Code section 70631, Judicial Council has adopted a statewide rule authorizing fees for specific products and services not otherwise authorized by law. New rule 6.712, which became effective January 1, 2006, authorizes the superior courts to charge reasonable fees for certain products and services, including forms, form packages, compact discs, and audiotapes.</p> <p>Rule 6.712 is not intended to change existing law by granting authority to the courts to provide services, or to charge fees for services or products, that they are otherwise prohibited from charging for under existing law. To indicate this intent, the first sentence of rule 6.712(b) states that courts are authorized to charge a reasonable fee not to exceed costs for listed items "unless courts are prohibited from charging a fee for, or providing, the product or service."</p>

Rule 6.712, subdivisions (c) and (d) concern the amount of the fee. Subdivision (c) provides guidance to the courts in determining the costs of a service or product; and subdivision (d) indicates factors for courts to use in determining the reasonableness of the fee charged.

Rule 6.712(e) contains a reporting requirement: each court that charges a fee under the rule must provide the Administrative Office of the Courts with a description of the fee, how the amount of the fee was determined, and how the fee is applied. Rule 6.712(f) requires courts to notify the public of any fee charged under the rule by providing information about the fee in a conspicuous place such as the court's fee schedule.

Finally, rule 6.712(g) provides procedures for a court to follow in adopting a new fee authorized under rule 6.712. After July 1, 2006, a court instituting a new fee under the rule or changing the amount of an existing fee under the rule will be required to follow the procedures for adopting or amending a local rule under rule 981 of the California Rules of Court.

Because of the need to institute the new fees promptly, there was not sufficient time to circulate this rule for public comment before submitting it to the council for adoption effective January 1, 2006. However, in adopting the rule, the council considered the suggestions and comments from a significant number of courts.

The public is invited to comment on rule 6.712. These comments will be reviewed by appropriate committees, which will consider possible amendments to rule 6.712, effective July 1, 2006.

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Attachment

1 **Rule 6.712 Fees to be set by the court**

2  
3 (a) **[Authority]** Under Government Code section 70631, a superior court may  
4 charge a reasonable fee for a service or product not to exceed the costs of  
5 providing the service or product, if the Judicial Council approves the fee.  
6

7 (b) **[Approved fees]** The Judicial Council authorizes courts to charge a reasonable  
8 fee not to exceed costs for the following products and services unless courts  
9 are prohibited by law from charging a fee for, or providing, the product or  
10 service:  
11

12 (1) Forms;

13  
14 (2) Packages of forms;

15  
16 (3) Information materials;

17  
18 (4) Publications;

19  
20 (5) Compact discs;

21  
22 (6) DVDs;

23  
24 (7) Audiotapes;

25  
26 (8) Videotapes;

27  
28 (9) Training programs for attorneys who serve as court-appointed temporary  
29 judges, including the materials and food provided to the participants; and

30  
31 (10) Other training programs or events offered by the court for members of the  
32 public.  
33

34 (c) **[Guidelines for determining costs]** The fee charged for any product or  
35 service listed in (b) may not exceed the court's cost in providing the product or  
36 service. In determining the costs of a product or service, the court must:  
37

38 (1) Identify the specific product or service; and  
39

1 (2) Prepare an analysis of the direct and indirect costs on which the fee is  
2 based.  
3

4 (d) **[Reasonableness]** In deciding what specific fee or fees, if any, to charge for a  
5 product or service under (b), the court must determine that the fee charged is  
6 reasonable considering relevant factors such as the benefits to the court and the  
7 public from providing the product or service and the effects of charging the fee  
8 on public access to the court.  
9

10 (e) **[Reporting requirement]** Each court that charges a fee under this rule must  
11 provide the Administrative Office of the Courts with a description of the fee,  
12 how the amount of the fee was determined, and how the fee is applied.  
13

14 (f) **[Public notice]** The court must notify the public of any fee that it charges  
15 under this rule by providing information concerning the fee in a conspicuous  
16 place such as the court's fee schedule.  
17

18 (g) **[Procedure for adoption of fee.]** Beginning January 1, 2006, a court may  
19 charge a fee authorized under (b) by determining the reasonable amount of the  
20 fee not to exceed costs under (c) and (d), providing the Administrative Office  
21 of the Courts with the information about the fee required under (e), and  
22 notifying the public of the fee under (f). After July 1, 2006, if a court proposes  
23 to change any fee authorized under (b) that it is already charging or to charge  
24 any new fee authorized under (b), the court must follow the procedures for  
25 adopting or amending a local rule under rule 981 of the California Rules of  
26 Court.